

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

In Re: \_\_\_\_\_

Debtor(s).

APPLICATION FOR  
DEFAULT

Plaintiff,

Case No. \_\_\_\_\_

vs.

AP No. \_\_\_\_\_

Defendant.

1. On \_\_\_\_\_, a copy of the summons and complaint was served on \_\_\_\_\_, the defendant, and the certificate of service of \_\_\_\_\_ was filed in this Court on \_\_\_\_\_.

2. Defendant, \_\_\_\_\_, has failed to plead or otherwise defend in this action, and the time to plead or otherwise defend expired on \_\_\_\_\_.

[ ] Defendant has appeared in this action (explain nature of appearance.

[ ] Defendant has not appeared in this action, and the time to appear has expired.

3. The defendant is not an infant or incompetent person.

4. I have made an investigation to ascertain if defendant in this proceeding is in the military service of the United States. From my investigation I am convinced that the defendant is not in the military service of the United States as defined in the Soldiers' and Sailors Civil Relief Act of 1940. [This does not apply if the defendant is a corporation.]

5. It is requested that the Clerk enter default of the defendant pursuant to F.R.B.P. 7055 and F.R.C.P. 55(a).

I, \_\_\_\_\_, Plaintiff, or Principal of Plaintiff, declare under penalty of perjury that the foregoing is true and correct.

Executed: \_\_\_\_\_

Signature

CLERK'S CERTIFICATE OF DEFAULT

The default of the defendant, \_\_\_\_\_, is hereby entered according to law.

Dated: \_\_\_\_\_

MARTIN H. OOGJEN III, CLERK

CONCLUSIONS

The plaintiff is entitled under applicable law to entry of judgment by default.

RECOMMENDATION

Wherefore, it is recommended that the District Court award default judgment to the plaintiff in the amount of \$\_\_\_\_\_ (plus the allowed per diem amount which accumulated since the application for default), which amount is fully itemized in the attached Affidavit of Amount Due [suggested Form N-2].

Dated: \_\_\_\_\_

\_\_\_\_\_  
John C. Ninfo, II  
United States Bankruptcy Judge .